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COMMISSION ON HUMAN RIGHTS

Third special session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 May 1994, at 10 a.m.

Chairman: Mr. Van WULFFTEN PALTHE (Netherlands)

CONTENTS

Opening of the session and general debate

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The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION AND GENERAL DEBATE (S/1994/565, E/CN.4/1994/7/Add.1, E/CN.4/S-3/1 and Add.1, E/CN.4/S-3/2 and 3)

1. The CHAIRMAN opened the third special session of the Commission on Human Rights and said that once again the Commission had to meet in special session to address a very urgent situation of massive human rights violations. On that occasion, it was asked to deal with mass murder and other unspeakable atrocities which were being committed in Rwanda. No one could fail to be horrified by the scenes and reports from Rwanda. He expressed his gratitude to the High Commissioner for Human Rights for the initiative he had taken on Rwanda and for the report (E/CN.4/S-3/3) on the situation there which he had presented after his visit.

2. It was frightening to see once again that it apparently took very little for the human race to turn into unrecognizable beings, capable of indiscriminately slaughtering their fellows. Not even children were spared from the massacre. Despite the efforts of the Organization of African Unity, the Security Council and despite the Arusha Agreement and other initiatives, the international community had not succeeded in putting an end to the atrocities taking place in Rwanda. The situation even seemed to be worsening and there was a real risk of spillover effects to neighbouring countries.

3. He expressed his deepest respect for the courageous individuals who remained in the country to provide relief for the victims. Under extremely dangerous conditions, the members of UNAMIR and of other United Nations organizations, the representatives of NGOs and of the ICRC, to name but a few, continued to carry out their humanitarian work. The international community should support those efforts and do its utmost to put an end to the atrocities and to provide humanitarian relief for the victims.

4. The Commission on Human Rights could not contribute to achieving those goals merely by eloquent statements expressing outrage at the human rights violations in Rwanda. He hoped that the session would be sober and non-declamatory, and that it would focus on taking immediate action to alleviate the plight of the Rwandan people. The Commission was unique in the sense that it had permanently at its disposal expertise to deal with human rights violations, in particular the Special Rapporteurs on extrajudicial, summary or arbitrary executions, and on torture, the representative of the Secretary-General on internally displaced persons, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on violence against women and the Centre for Human Rights. He would propose that those experts should undertake an immediate mission to the area, either jointly or separately, to investigate the human rights violations and the crime of genocide with a view to establishing a basis for the prosecution of every individual responsible for such crimes. No one should go unpunished.

5. He hoped that in the event the Commission should decide to appoint a special rapporteur on Rwanda, such a rapporteur would avail himself of the services of the thematic rapporteurs he had just mentioned. The Commission could recommend such cooperation between rapporteurs. It should also seriously consider the suggestion of the High Commissioner for Human Rights

that human rights monitors should be appointed. At the same time it should urge the international community to make the necessary human, financial and material resources available to put an immediate end to the conflict in Rwanda and to provide adequate relief for the victims. Those questions, however, should be dealt with by other forums.

6. The provisional agenda for the session was published in document E/CN.4/S-3/1, and the annotated agenda in E/CN.4/S-3/1/Add.1. The letter dated 9 May 1994 from the Permanent Representative of Canada to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights, which had led to the session, had been distributed in document E/CN.4/S-3/2. The report of the United Nations High Commissioner for Human Rights on his mission to Rwanda (11-12 May 1994) had been distributed in document E/CN.4/S-3/3. The Commission was authorized to hold special sessions by Economic and Social Council resolution 1990/48 under the conditions set out in Council decision 1993/286. The officers had recommended that the Commission should decide to suspend rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council, which made provision for a period of 24 hours before proposals could be put to a vote. He called upon the Commission to take a decision along those lines.

7. It was so decided.

8. Mr. FALL (Assistant Secretary-General for Human Rights) recalled that four years earlier, on 25 May 1990, the Economic and Social Council had, in resolution 1990/48, authorized the Commission to meet exceptionally between its regular sessions, to deal with crisis situations of an urgent nature. It was currently meeting as a result of the timely initiative of the Government of Canada, and with the agreement of over 40 countries, to address the situation in Rwanda, as it had done earlier in the case of the former Yugoslavia.

9. In response to those throughout the world who might legitimately have misgivings about the somewhat belated nature of the present special session, the procedure which the Secretariat had to follow in order to convene special sessions of the Commission, which was determined by provisions clearly specified in Economic and Social Council decision 1993/286 should be borne in mind. Pursuant to that decision, three requirements had to be met: first of all, a State Member had to take the initiative of requesting the Secretary-General to convene the Commission (as Canada had done on 9 May); secondly, the majority of States members of the Commission to whom the request was submitted had to express support for the convening of a special session within four working days (as had been the case on 16 May); thirdly, a further period of from 4 to 6 working days was necessary to open the session itself (as Whit Monday had been a bank holiday, the Secretariat had acted within the minimum period prescribed).

10. The situation in Rwanda more than met the twofold requirements of crisis and urgency. It called for the attention of the international community on account of the number of people slaughtered and mutilated, the blind violence and cruelty that marked the confrontations, the number of refugees and displaced persons and the precariousness of their situation, the extent and seriousness of the violations of humanitarian law, human rights and

fundamental freedoms, as well as the genuine risks of a spillover throughout the subregion and the region and the threats it posed to international peace and security.

11. All the components of the United Nations system and of the international community as a whole were concerned, and a tribute was due to the humanitarian workers and the political and military personnel in the field who, often at the cost of their life, were doing everything humanly possible to alleviate the suffering. For its part, on 17 May 1994 the Security Council had adopted resolution 918 (1994), with its two components of peace and security. Within that context, the current special session aroused much hope for immediate action by the United Nations. The United Nation High Commissioner for Human Rights, Mr. Ayala Lasso, had already made an appeal to which member States had responded. Better still, he had taken it upon himself to visit Rwanda personally in order to collect first-hand information and to begin a dialogue with all the parties concerned in order to report and put forward proposals. Lastly, the active presence of numerous observer States, of intergovernmental organizations, specialized agencies and non-governmental organizations at the current session indicated that the debate would measure up to the requirements in the field.

12. He hoped that the documentation prepared by the Centre for Human Rights would help to inform delegations and reiterated the Centre's commitment to providing all the necessary assistance during the session.

13. Ms. PARK (Canada), speaking as the representative of the Government which had officially requested the special session, said that although the reason for that initiative was clear, words were not what the victims of that terrible tragedy in Rwanda were looking for from the international community; what was needed were actions to bring an end to their suffering. On 4 May, the United Nations High Commissioner for Human Rights, Mr. Ayala Lasso, had announced his decision, taken in consultation with the Secretary-General, to conduct a personal mission to Rwanda and Burundi. At the same time, he had called on the members of the Commission to consider the advisability of convening a special session. The Canadian Minister of Foreign Affairs, Mr. André Ouellet, had welcomed the High Commissioner's announcement because Canada believed that effective action to protect human rights must be a central element of the United Nations response to the grave situation in Rwanda; Canada also considered the High Commissioner's wish to report on his findings to the Commission both natural and commendable. Mr. Ouellet had therefore requested the convening of a special session, in the letter mentioned under agenda item 3 which had been delivered to the Assistant Secretary-General for Human Rights. In taking that action, Canada had been acutely conscious of the concern about the situation in Rwanda on the part of other members of the Commission, particularly African countries with whom its representative had worked especially closely. The overwhelming support voiced by Commission members for the convening of the session was a resounding vote of confidence in the High Commissioner's initiative. Since then, the High Commissioner had issued a report (E/CN.4/S-3/3) which was clearly worthy of the faith the Secretary-General and the General Assembly had placed in him by appointing him as the first United Nations High Commissioner for Human Rights.

14. That report bore forceful witness to the incomprehensible scale of the human tragedy in Rwanda. It succinctly described the actions already taken: the High Commissioner's consultations with the Secretary-General and concerned international agencies, his mission to the region and meetings with parties to the conflict and international officials. It also set forth a series of observations and proposals which warranted the Commission's most serious attention. The Commission would first of all have to determine, in the light of the High Commissioner's report, what steps must next be taken. The Commission had to provide the political impetus needed to ensure that the human rights dimension was fully addressed within the framework of action by the international community to bring relief to the innocent victims of the violence in Rwanda. Of course, the principal responsibility for United Nations action was with the Security Council, although for its part, the Commission had a crucial role to play to ensure that determined action put an end to the tragic human rights violations in Rwanda.

15. During the previous few days, her delegation had for its part played an active role in intensive consultations to help lay the groundwork for the special session. During those consultations, the African countries had shown great determination. Canada was committed to the efforts made by all the members of the Commission, in cooperation with the High Commissioner and the Assistant Secretary-General for Human Rights to ensure that the session made a meaningful contribution. Her delegation might wish to comment further during the debate on the shape which that action should take.

16. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said that there was unquestionably an emergency in Rwanda, as the already critical situation was steadily deteriorating. Never since the end of the Second World War had there been so many deaths - 200,000, 300,000, perhaps 500,000 - in so short a period. Never had the world been witness to such a vast exodus of refugees: almost 300,000 Rwandese had fled to neighbouring countries, mainly Tanzania, but also Uganda, Burundi and Zaire. Finally, never had the world been witness to such massive population movements - almost 2 million people - within a country. In response to such a situation, the international community should, as a matter of urgency, put an end to the massive violations of human rights and clashes between the warring parties, and also protect those civilians who had become hostages of the parties to the conflict. There was also an urgent need to provide relief to the Rwandese refugees.

17. Today, the Commission, meeting in special session, was required to take specific decisions so as to ensure full respect for the most basic human rights in Rwanda. However, if the human rights situation was to be improved, innocent civilian populations protected and humanitarian assistance delivered inside the country, the belligerents had to accept an effective and lasting cease-fire. Ever since taking office, he had at all times voiced his acute concern about the critical turn taken by events in Rwanda. He had informed the Secretary-General and had consulted all the concerned United Nations agencies as well as the Organization of African Unity, the International Committee of the Red Cross and non-governmental organizations, whom he thanked for the information and suggestions they had transmitted to him. When he had visited Rwanda, after consultation with the Secretary-General, and met the military leaders of the parties to the conflict - the Rwandese Armed Forces (RAF) and the Rwandese Patriotic Front (RPF) - he had informed them of the

universal indignation generated by the huge and blatant violations of human rights in the conflict, in which incitement to ethnic hatred, in particular, had exacerbated the violence. In his appeal on Rwandese radio on 12 May, he had expressed the solidarity of the peoples of the world with the Rwandese people and their condemnation of acts that were an affront to the moral conscience of mankind. He had also called on all the political and military leaders who had the power to put an end to the atrocities and human rights violations, to release the civilian hostages and permit the delivery of humanitarian assistance. He took the opportunity to repeat his appeal.

18. In resolution 918 of 17 May 1994, the Security Council had decided to broaden the mandate of the United Nations Assistance Mission to Rwanda (UNAMIR), and to bring its numbers up to 5,500. It had also introduced an embargo on arms intended for Rwanda on the grounds that the situation in Rwanda constituted a threat to peace and security in the region. The expanded mandate of UNAMIR should make it possible to guarantee the protection of the civilian populations and the security of displaced persons and refugees, and to deliver humanitarian aid.

19. The international community first of all expected of the special session an impartial and objective debate on the gross and flagrant human rights violations in Rwanda. To those who thought that the Commission had no effective authority, he replied that it represented an enormous moral force with the power and duty to defend the essential values of mankind. It should employ that peaceful weapon without delay and without reservation. To do so, it could entrust a special rapporteur with monitoring the evolution of the human rights situation in Rwanda and investigating the tragic events that had been occurring since 6 April 1994. It could then set up a team of human rights monitors who would operate in the field in close cooperation with UNAMIR, in the context of its enlarged mandate. The human rights monitors would also work in close cooperation with all the United Nations agencies and programmes represented in Rwanda and with intergovernmental and non-governmental organizations. Naturally, the special rapporteur and monitors should receive full cooperation from all the parties to the conflict.

20. Ultimately the objective of the United Nations was to contribute to reviving the peace process, the first stage of which must be a general cease-fire. Human rights violations were one of the main causes of that cruel conflict; for that reason it was important to contemplate from the outset the inclusion of a human rights component in any future action by the international community to achieve peace and security in Rwanda. The human rights component should include the preparation and implementation of an extensive programme of technical assistance, in close cooperation with United Nations bodies and specialized agencies, so as to promote tolerance, restore democratic principles and the rule of law and to bring about national reconciliation. He had issued all the necessary instructions for the Centre for Human Rights to apply itself immediately to that task.

21. The message from the Commission to the Rwandese people would effectively and powerfully reflect the international community's solidarity. Those responsible for the atrocities should realise that they would have to answer for their acts, once the facts had been clearly established. The consensus that would inevitably characterize the Commission's discussions and proposals

would permit reason, tolerance and dialogue to prevail in Rwanda. By its commitment, the Commission would help to put an end to the Rwandese nightmare and to light a beacon of hope pointing the way to peace, security, reconciliation and reconstruction. He would spare no effort to ensure that the men, women and children of Rwanda, regardless of their origin, were able to look towards the future with greater hope and confidence.

22. Mr. BENSID (Organization of African Unity) speaking on behalf of the Secretary-General of the Organization of African Unity, Mr. Salim Ahmed Salim, who was taken up by other equally pressing engagements connected with the tragedy in Rwanda and was not able to attend the special session, underscored its great importance, as it was the first time in the history of the United Nations that a special session was exclusively devoted to the question of human rights violations in an African country, Rwanda, which had often been the setting for senseless massacres and where, since the tragic deaths on 6 April 1994, of the Presidents of Rwanda and Burundi, atrocious massacres were continuing. The assassination of ministers, the cold-blooded murder of United Nations peace keepers, the massacre of innocent civilians - women, children, the aged - were an indictment not only of the people of Rwanda but of Africans and of the world community as a whole.

23. It was therefore gratifying that the current special session would seriously consider the current situation in Rwanda and in particular the massacre of individuals on account of their membership of a particular political or other group. Consideration would also be given to the appointment of a special rapporteur on human rights in Rwanda and the stationing of human rights monitors there; all those measures were logical, timely and necessary.

24. The world in general would like to know that the perpetrators and instigators of those horrific killings, which undoubtedly constituted a crime against humanity, would be identified, brought to justice and punished in accordance with international law. The Organization of African Unity was also convinced that at its current session the Commission should adopt measures to prevent the recurrence of such crimes, not only in Rwanda but throughout the African continent and elsewhere in the world. The Commission should serve notice on the perpetrators of such despicable crimes, and on those who might be tempted to imitate them, that the international community would ensure that the full force of the law would be brought to bear on them. It was also important that after the special session, the surviving victims were confident that the international community was concerned by their fate and would help them to obtain justice.

25. Mr. CHABALA (Zambia) speaking on behalf of the States members of the African Group, commended the convening of the special session. It was apparent from the report by the United Nations High Commissioner for Human Rights and from other reliable sources that the situation in Rwanda was indeed tragic. Following the assassination of President Habyarimana on 6 April 1994, over 200,000 innocent civilians, women, children, and elderly persons, had been massacred. The Prime Minister and her children as well as some of her cabinet ministers and senior government officials had been kidnapped and murdered. Some 2 million Rwandese seeking refuge from violence had been displaced inside the country. Thousands of persons were hostages in the

capital where they could receive neither food nor humanitarian assistance. Over 300,000 people had fled to Burundi, Tanzania, Uganda and Zaire. Freedom of movement and the security of persons who wished to move about Rwanda, including UNAMIR observers, were not assured.

26. There was a danger of an outbreak of epidemics due to the contamination of water by the corpses thrown into rivers and lakes, which represented a major threat to the populations not only of Rwanda, but also of neighbouring countries, principally Tanzania and Uganda. The massive influx of refugees to those countries also constituted a danger to the environment.

27. The African Group vigorously condemned all the human rights violations committed in Rwanda over the previous six weeks for which there could be no justification. The Group demanded an immediate end to them. To achieve that, effective measures had to be immediately taken at the national, regional and international levels. The African Group urgently appealed to the leaders of the parties to the conflict to cease hostilities immediately, to use their authority and influence to stop the mindless killings perpetrated for ethnic or political reasons and to ensure full respect for the human rights contained in the international human rights instruments to which Rwanda was a party, and in particular the 1949 Geneva Conventions and the 1977 Additional Protocols thereto.

28. To achieve peace in Rwanda, the African Group implored the political and military leaders in that country to create a climate of tolerance and reconciliation between ethnic groups and among political parties. They could achieve that if they were inspired by the necessary political will. Peace would not be achieved in Rwanda by military means and fratricidal warfare. Both parties to the conflict must strive to achieve a cease-fire without delay to permit the delivery of humanitarian assistance.

29. In that regard the African Group commended the efforts of States, United Nations agencies, the International Committee of the Red Cross, the United Nations High Commissioner for Refugees and of non-governmental organizations to provide humanitarian assistance to the people of Rwanda and to the neighbouring countries hosting refugees from Rwanda. It called on all the parties in Rwanda to ensure the security of the personnel engaged in humanitarian and peace-keeping operations. The States members of OAU and the international community as a whole should give continued support to the peace process.

30. At the regional level, the African Group urged the Government of Rwanda and the Rwandese Patriotic Front to implement fully the Arusha Peace Agreement, which had been signed under the auspices of the United Republic of Tanzania and of the Organization of African Unity. At the request of the Government of Rwanda and of the Rwandese Patriotic Front and with the support of OAU, an OAU Liaison Office in Rwanda had been established and was playing a role in the efforts to resolve the Rwandese refugee question and in monitoring the implementation of the Arusha Agreement. The international community too had an important role to play in the peace process in Rwanda. It should not abandon the Rwandese people and should strengthen its cooperation with Rwanda. The African Group welcomed the decision by the Security Council, in resolutions 912 (1994) and 918 (1994) to expand the mandate of UNAMIR. The

latter would thus be able better to ensure the protection of displaced persons, refugees and civilians at risk in Rwanda as well as security for the distribution of humanitarian assistance. The African Group called for those resolutions to be implemented without delay. It also called upon all the parties to the Arusha Agreement to cooperate fully with UNAMIR. The decision taken on 5 October 1993 by the Security Council to deploy UNAMIR in Rwanda was precisely to ensure the implementation of that Agreement, which still constituted the framework for peace, national reconciliation and unity in Rwanda.

31. The Commission on Human Rights had for its part an indispensable role to play in addressing the serious human rights situation in Rwanda. The African Group congratulated the High Commissioner for Human Rights on his important initiatives and his recent mission to Rwanda. It endorsed the recommendations made by him in his report, especially the recommendation that a special rapporteur should be appointed to investigate the human rights situation in Rwanda and to submit his or her recommendations on ways of averting future violations. Lastly, if the Government of Rwanda so requested after the conflict, the African Group would fully support the provision, by the Centre for Human Rights, of advisory services and technical assistance.

32. Mrs. MICHAUX-CHEVRY (France) said that the horror aroused by the indescribable massacres being perpetrated in Rwanda and the determination to react resolutely to that dreadful combination of violence, fear and vengeance had brought the participants to the special session. On 6 April 1994, an attack had taken the lives of the Presidents of Rwanda and Burundi. It would be necessary to identify those responsible for that act which had lit the powder-keg. On the very next day, Tutsis and Hutus who sympathized with the opposition, including the Prime Minister, had been massacred by members of the Presidential Guard and Rwandese troops. The killings had rapidly escalated to terrible proportions. The reports received were damning for the militia, their systematic nature deserved a name whose legal consequences she fully weighed: genocide.

33. A number of questions had to be asked about the tragic events. Why did the interim Government not condemn all the massacres with all the necessary force? Was it doing everything within its power to compel the authors of those barbaric acts to put an end to them without delay? Why did the RPF not react to the reports of excesses in the areas under its control? Witnesses reported that serious violations of humanitarian law and of human rights had recently occurred in those areas. The overriding imperative at the present time was the cessation of the fighting and massacres. All efforts should be aimed at achieving that end.

34. The international community had great expectations of the States in the region which should demonstrate unity and wisdom and place the interest of the Rwandese people before any other considerations. The Arusha Agreement was the basis on which a political solution could be built. The power sharing provided for in the Agreement was the only means of laying the foundations of a lasting peace in Rwanda. The Arusha Agreement signified an end to years of bloody conflict. It meant accepting the right of all to be represented at last and to take part in the government of the country. It meant allowing tolerance and the free play of democratic forces to prevail. There was no

other solution, other than allowing the entire Rwandese nation to be massacred. France was sparing no effort, in its diplomatic contacts and activity, to promote an end to the fighting, a stop to the massacres and the resumption of the dialogue. She took the opportunity to point out that the Ambassador of France in Rwanda had visited the region three weeks previously, at the request of the Government. The idea put forward by him on that occasion of a summit of heads of State of the countries in the region should be carried out as a matter of urgency.

35. The question also arose of what the United Nations could do to put an end to the tragedy. As France had requested, the Security Council had decided one week previously considerably to reinforce UNAMIR which was responsible for protecting civilian populations in the protected zones and for conveying humanitarian assistance. Without waiting, France had provided exceptional assistance to the victims of the conflict. The courage of the humanitarian organizations had made it possible to deliver that assistance. It was particularly appropriate to commend the action of the ICRC, which tirelessly offered its assistance to all. A rapid increase in the personnel of UNAMIR, to which France had promised support in the form of equipment, should simplify the work of relief and avert new massacres.

36. For its part, the Commission on Human Rights could take four steps, which had been duly recommended by the High Commissioner for Human Rights: it could condemn the massacres and excesses, immediately set up investigating machinery, call for the trial and conviction of the guilty parties and make provision for preventive measures. The unambiguous condemnation of all the human rights violations should be associated with the immediate establishment of investigating machinery. The Security Council had requested the Secretary-General of the United Nations to report on the attack which had cost the lives of the Presidents of Rwanda and Burundi and to investigate the serious violations of international humanitarian law committed during the conflict. It was necessary to shed light on the responsibility of all those who had instigated the massacre, whether politicians or armed men, by the orders they had issued or by their speeches, particularly over the radio.

37. An exceptional situation called for exceptional measures. France would like the Commission to appoint a special rapporteur who would be able to contribute rapidly to identifying, in an impartial manner, those who bore prime responsibility. The special rapporteur should be assisted by the representative of the Secretary-General for displaced persons and by other rapporteurs or working groups of the Commission, including the Special Rapporteur on extrajudicial, summary and arbitrary executions, Mr. Ndiaye, who had carried out a mission to Rwanda barely a year previously. The Commission might well have paid insufficient attention to the recommendations made by him at the time.

38. While the Commission was bound to condemn strongly the ongoing genocide and the excesses of all kinds, as well as to put out a renewed appeal for an end to the fighting and the massacres, its task should not end there. It should demand that those responsible for the atrocities be identified. The whole world expected them to be tried and convicted. Such acts, which so affronted the conscience of mankind should not go unpunished. The punishment of the culprits was owed to the memory of the victims. It was also a

necessity if the Commission wished to prevent the repetition of such a tragedy, whether in Rwanda or elsewhere. Finally, it was a prerequisite for national reconciliation. A judicial procedure should be set up as rapidly as possible to convict those who had forever brought shame on themselves by their acts. They had by their own acts cut themselves off from their country's future. Lastly, the Commission should continue to consider means of averting human rights violations. The gravity of the events in Rwanda made it a matter for the conscience of the United Nations so to do.

39. France, which had occasionally been described as a Cassandra for having supported a strong UNAMIR at the beginning of 1993, was in favour of sending human rights monitors as soon as UNAMIR was capable of providing them with support. At a later stage it might be possible to consider including a "human rights" division within UNAMIR itself. The Security Council would decide on that when the time came. Finally, the special rapporteur, for whose appointment France was most anxious, should propose measures to avert any further massacres in the immediate future and once peace had been restored. The alleged inevitability of the resurgence of ethnic hatred was not a satisfactory explanation for the intolerable events still taking place in Rwanda. Such an attitude was unacceptable. Everyone should give some thoughts to the memory of the hundreds of thousands of victims of what was nothing less than a murderous folly. For the persons living as refugees in a camp, who had gone into hiding in a house or who were wandering along the roads, gripped by fear and constantly struggling to survive, the Commission on Human Rights symbolized hope. She expressed her own hope that the message of firmness put out by the Commission at its session would be heeded by the warring parties and would help to loosen the stranglehold of anguish. The Commission had an overriding duty to show that the international community would not permit such crimes to be committed in the world. Some commentators had described the drama in Rwanda as a "journey into horror". The current special session should put an end to that infernal journey. France was resolutely decided to do so.

40. Mr. HYNNINEN (Finland), speaking on behalf of the five Nordic countries, Denmark, Iceland, Norway, Sweden and Finland, reminded the Commission that perhaps hundreds of thousands of people had been killed in Rwanda and many more had been wounded or forced to flee their homes. The international community must respond. The Nordic countries fully supported the immediate implementation of Security Council resolutions 912 (1994) and 918 (1994). There was a great need for peace-keeping and humanitarian measures, and for the protection of human rights. The Nordic countries wished to pay a tribute to the High Commissioner for Human Rights, who had carried out a highly important personal mission in the region and they offered their support for the recommendations made in his report. They resolutely condemned the flagrant violations of human rights and of humanitarian law committed in Rwanda, where the victims of the atrocities were frequently the most vulnerable members of society, children, women and elderly people.

41. Rwanda was a party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; it was thus imperative to investigate whether acts of genocide had been committed in Rwanda. The Government bore primary responsibility for ensuring respect for human rights, although the other parties to the conflict must equally desist from taking advantage of

the situation and protect persons under their control. The individual responsibility of those who had committed or contributed to the abuses and who should answer for what they had done, should be emphasized. The guilty should be brought to justice. The main responsibility would rest with the national judicial system, although the events in Rwanda once again underlined the need to create up a permanent international penal tribunal. The Nordic countries hoped that the Commission would adopt a resolution by consensus and in particular approve the establishment of a post of special rapporteur to monitor the human rights situation in Rwanda and to prevent future abuses.

42. The people of Rwanda must have freedom of movement in order to avoid the fate of those already killed and wounded and the right to return to their homes once security had been restored. All parties to the conflict were obliged to ensure free access to humanitarian supplies and the safety of relief workers. The humanitarian organizations must be enabled to meet the needs of the population within Rwanda and of those who had taken refuge in neighbouring countries. The Nordic countries had allocated substantial resources for that purpose. The international community had a moral duty to respond to the current humanitarian needs without further delay. At the same time, every effort should be made to facilitate a political solution, without which there would be no sustainable improvement in the humanitarian and human rights situation in Rwanda. The human rights mechanisms involved, including the High Commissioner for Human Rights and the future special rapporteur, should be linked to a political process and to the peace-keeping operations in Rwanda which should contain a human rights component from the beginning. Finally, the reconstruction of the country after the conflict must ensure the rule of law and the protection of the rights of national minorities.

43. Mrs. FERRARO (United States of America) said the international community had several immediate tasks: to stop the killing, achieve a cease-fire, provide humanitarian relief, facilitate meaningful negotiations and investigate the atrocities. It must also consider steps that would permit long-term national reconciliation.

44. As the first steps were taken towards the restoration of order and peace in Rwanda, it was necessary to understand the origins of the carnage. It was especially necessary to resist the temptation to see the slaughter in Rwanda as a conflict with roots buried so deep in history that they could not be reached by diplomacy. To be sure, there were ethnic dimensions to the conflict, but one only had to visit the refugee camps to see that Hutus and Tutsis were the victims of the same tragedy. In the final analysis, the conflict was a political one, inflamed by political actors who were exploiting underlying ethnic tensions for political ends. The international community must investigate the atrocities, including possible acts of genocide, and identify the culprits. Only when the guilty were held accountable for their acts would the Rwandese people be able to restore social harmony and would the international community be able to assert the primacy of law and put an end to the cycle of violence.

45. In the meantime, action had to be taken to put an end to the suffering inflicted on the population. Accordingly, her delegation advocated the expansion of UNAMIR to enable it to protect the refugees and displaced persons and to provide humanitarian aid to the sick and the hungry. In addition, a

strong international presence would act as a deterrent for the perpetrators of atrocities in that violent conflict. The armed component of the Mission would be able to guarantee the security of the human rights monitors.

46. She commended the efforts of the Security Council, the United Nations High Commissioner for Refugees, General Dallaire and his staff, the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross to address what was a multifaceted disaster. The United States would continue to contribute to those efforts. It encouraged other States to join it in diplomatic efforts with both sides and in support of the efforts of Governments of the region to resurrect the Arusha peace process. Her delegation strongly supported the introduction of an arms embargo on Rwanda and the expansion of UNAMIR. Since the air crash that had taken the lives of the Presidents of Burundi and Rwanda, the United States had provided nearly $50 million in humanitarian relief to the subregion, along with repeated airlifts of aid supplies. The United States called on all Governments to make their contribution to the relief operations.

47. In addition to political and humanitarian efforts, human rights concerns and programmes must be an integral part of any United Nations action in Rwanda, as such an approach was the only means of ensuring a lasting cessation of hostilities. The United Nations High Commissioner for Human Rights, Mr. Ayala Lasso, had a vital role to play as coordinator of human rights issues throughout the United Nations system. The United States Government would like to see the appointment of a special rapporteur who, with the assistance of the United Nations thematic rapporteurs would investigate the human rights violations that had occurred in Rwanda and report back to the Commission within a short period of time. The United States also believed that it was important for the Commission to authorize advisory services for Rwanda as soon as the situation permitted, and called for the immediate dispatch of a team of human rights monitors operating under the auspices of the United Nations. Not only would they gather information on the ground; their presence would facilitate the negotiations as the parties to the conflict would more willingly lay down their arms if they were under international scrutiny.

48. Mr. WILLIS (Australia) expressed the deep concern of the Government of Australia about the tragedy in Rwanda where, according to the information available, 500,000 people had been killed, several thousands wounded and more than a million displaced. While the Security Council was primarily responsible for the maintenance of peace and security and for finding a solution to the conflict, the Commission on Human Rights for its part should do its utmost to address the human rights dimensions of the conflict. Australia welcomed the visit by the High Commissioner for Human Rights to Rwanda and took note with satisfaction of his valuable report. The international community's response to the crisis in Rwanda should be in keeping with the multi-dimensional international security problems posed by the situation there. The Commission on Human Rights had an important role to play and it would be essential to ensure that there was ongoing, close and effective coordination between its action and that of UNAMIR and the other humanitarian efforts.

49. The Commission must strongly condemn the violations of human rights and fundamental freedoms occurring in Rwanda and demand that all parties to the conflict observe internationally accepted human rights and humanitarian law standards. There must be a cease-fire, or at least a temporary one, to allow humanitarian assistance to reach the populations affected and to allow those trapped by the hostilities to move to safer places.

50. The Government of Australia supported the appointment of a special rapporteur on Rwanda. Such a measure would make it possible not only to establish the facts about the massive human rights violations, but also to ensure that the attention of the international community remained focused on the situation there. The special rapporteur should report as soon as possible to the Commission and to the United Nations High Commissioner for Human Rights and transmit his conclusions to the Security Council through the Secretary-General. In discharging his duties, he should be able to draw on the assistance of the thematic rapporteurs, for example torture, extrajudicial, summary or arbitrary executions, displaced persons, etc. Genocide might be occurring in Rwanda and the international community needed to face that fact. Australia strongly supported the establishment of an international court with universal jurisdiction to try war crimes as well as an independent prosecuting authority. The international criminal court proposed by the International Law Commission could take on that function.

51. In addition to its diplomatic efforts to bring an end to the hostilities and renew the Arusha peace process, the Government of Australia had contributed A$ 1.5 million to emergency humanitarian relief, and although Rwanda was far from Australia, Australians had responded generously to the appeals being made by NGOs and others for help. As UNAMIR's operational plans under the mandate set by the Security Council were insufficiently clear, Australia had not been able immediately to participate in the mission. However, it continued to consider the possibility of taking part.

52. Effective action to halt human rights abuses in Rwanda was an urgent necessity and the High Commissioner would have to ensure that the human rights dimension was duly taken into account in the planning and coordination of United Nations action. However, once the hostilities had come to an end, there would be a need to establish mechanisms and institutions which would help to prevent future violations. Assistance for that purpose would be an important priority for the Commission and of the High Commissioner for Human Rights.

53. Mr. HELMIS (Greece), speaking on behalf of the European Union, commended the United Nations High Commissioner for Human Rights for his prompt action in visiting Rwanda and the neighbouring countries to undertake a preliminary investigation into the situation. It was clear from his report that massive violations of human rights and of international humanitarian law had occurred, and an end to the atrocities did not seem to be in sight. The incitement to ethnic hatred and violence were a cause for grave concern. The European Union stressed that all who perpetrated or authorized such violations were individually responsible and accountable for their acts.

54. The European Union was deeply concerned by the huge flow of refugees to different regions of Rwanda and other neighbouring countries whose security

and stability were under threat. It deplored and condemned the breaches of humanitarian law and in particular the inhumane treatment of the wounded, blatant disregard for the status and mandate of the International Committee of the Red Cross, the killing of persons under its care and the assassination of defenceless United Nations peace-keeping personnel. The Union called upon all parties to the conflict to agree to an immediate cease-fire and urged them not to hinder the delivery of humanitarian relief to the victims.

55. The European Union called upon the authorities of Rwanda to condemn publicly the human rights violations committed by the militia close to the authorities of Rwanda, by elements of the armed forces and the Presidential Guard, and to adopt measures to put an end to them so that the rights of persons under their jurisdiction, regardless of their ethnic origin, were fully respected. It also urgently called on the Rwandese Patriotic Front (RPF) to prevent persons under its command from committing human rights abuses and violations of international humanitarian law. Renewing its declaration of 16 May 1994 on Rwanda, it appealed for an end to the acts of genocide taking place in that country.

56. The European Union unreservedly supported Security Council resolution 918 (1994) which had authorized an expansion of the UNAMIR force to 5,500 and imposed an embargo on the sale and supply of military equipment to Rwanda. The Union considered that it was the responsibility of the parties to the conflict to put an immediate end to the violence, and supported the efforts of OAU and the President of Tanzania to convene a regional conference to which both the authorities of Rwanda and the RPF would be invited. It urged both sides to agree on the need to respect the Arusha Agreement which was the best available means of achieving national reconciliation through negotiation. In that context, the Union supported all the calls made to those concerned to refrain from any action that was liable to exacerbate the situation. It also noted with interest the efforts being made in the context of the OAU mechanism for conflict prevention, management and resolution. It welcomed the fact that a number of countries, international organizations and non-governmental organizations had been able to provide relief and protection for the refugees and internally displaced persons. The international community would have to respond quickly by providing organizations inside and outside the United Nations system with the funds they urgently needed to carry out the relief operations.

57. The European Union was ready to increase its humanitarian aid whenever and wherever such aid could be brought to the populations and would continue its assistance to refugees in the countries neighbouring Rwanda. It had also decided to dispatch a Troika mission - at the level of Ministers of Development - to the neighbouring countries in order to evaluate the humanitarian situation following the influx of the refugees.

58. The European Union noted with satisfaction the recommendations contained in the report by the High Commissioner which described the scale of the tragedy unfolding in Rwanda, and commended him for that report. The Union believed that building on his recommendations, the Commission on Human Rights would be able to develop effective mechanisms to deal with the situation and prevent further deterioration. In particular, it supported the High Commissioner's recommendation to appoint a special rapporteur to examine all

aspects of the Rwandese tragedy and make proposals to prevent further human rights violations; the special rapporteur should receive all necessary cooperation and assistance in that area.

59. Lastly, the European Union fully subscribed to the High Commissioner's proposal that United Nations efforts aimed at conflict resolution and peace-building in Rwanda should contain a strong human rights component requiring an effective and comprehensive human rights technical assistance programme. The international community should spare no effort to end the Rwandese tragedy. The European Union was convinced that the Commission on Human Rights could make a significant contribution to that effort.

60. Mr. BAUM (Germany) welcomed the convening of the special session of the Commission on Human Rights and unreservedly endorsed what had already been said by the representative of Greece on behalf of the European Union. The protection of human rights was of great concern to Germany, which had been deeply shocked by the horrendous massacres that had taken place in recent weeks in Rwanda. His Government appealed to the interim Government of Rwanda and the Rwandese Patriotic Front to cease hostilities immediately and to return to dialogue on the basis of the Arusha Peace Agreement. Germany supported the untiring and admirable efforts to that end of President Mwinyi of the United Republic of Tanzania to mediate between the parties and earnestly hoped that the next round of talks, due to be held in Arusha on 27 May, would prove successful.

61. His Government also welcomed the decision taken by the Security Council in resolution 918 (1994), adopted on 17 May 1994, to send 5,500 men to Rwanda as part of a humanitarian mission to achieve a cease-fire and establish security zones. The embargo on arms to Rwanda was an important step towards ending the violence, although it would not be sufficient to stop the antagonism between Hutus and Tutsis which had been exploited for political ends. The international community had a duty to provide humanitarian aid on a massive scale for Rwandese in Rwanda itself and in the neighbouring countries where they had taken refuge. For its part, the Government of Germany had provided bilateral humanitarian aid worth more than 3 million marks and was also taking part in assistance operations within the European and international framework. However, it was also necessary to assist Rwanda's neighbours, especially Tanzania and Burundi, who would have great difficulty in coping with the economic and ecological burden caused by the flow of refugees, otherwise the chaos in Rwanda could spread to all the countries of eastern Africa.

62. Humanitarian assistance and the denunciation of human rights violations were not sufficient to bring Rwanda back to normality. All Rwandese should abide by the internationally recognized rules for the protection of human rights. International assistance might make it possible to mitigate the consequences of the current Rwandese tragedy, but only the Rwandese themselves, acting together and through their own efforts, could repair the seemingly insurmountable human and social divisions, irrespective of their ethnic affinity and political convictions.

63. Mr. NEAGU (Romania) said that, in accordance with its position of principle, Romania, which had ratified virtually all the international human

rights instruments, had unhesitatingly supported Canada's proposal to convene a special session of the Commission on Human Rights on the situation in Rwanda and had appreciated the measures taken by the United Nations Centre for Human Rights in that connection.

64. It was apparent from all the reports submitted on the issue, including the report by the High Commissioner for Human Rights (E/CN.4/S-3/3), the report by the Secretary-General (S/1994/565) and the reports of UNHCR, ICRC and non-governmental organizations such as Amnesty International that the Commission could play a major role in putting an end to the extremely grave humanitarian crisis gripping Rwanda and in fostering national reconciliation, the construction of a State based on the rule of law and more generally the reconstruction of the country. In Romania's view, to achieve that, the Commission should act in close cooperation and coordination with the other components of the United Nations system and pursue the same ends. However, it was essential for the High Commissioner for Human Rights to continue to deal with the problem as his experience, professionalism and devotion guaranteed the success of the action of the United Nations in Rwanda.

65. His delegation strongly condemned the atrocities committed in Rwanda and believed that the Commission should adopt measures to put an end to those human rights violations and assign responsibility for them, as well as to resolve the problems connected with the internal displacement of populations and the flow of refugees to neighbouring countries. It supported the proposal to appoint a special rapporteur responsible for investigating the human rights situation in Rwanda and periodically submitting reports thereon to the Commission. However, it believed that the resolution the Commission would adopt for that purpose should also contain a number of provisions of principle in order to define clearly the framework for the action to be carried out in Rwanda. It would be useful to insert in the resolution some of the provisions of the resolution recently adopted by the Security Council, and in particular, to reassert its attachment to Rwanda's unity and territorial integrity, to stress that the Rwandese people were responsible ultimately for promoting national reconciliation and carrying out the reconstruction of the country and to underscore the need to enforce the embargo on the sale or delivery of weapons and military equipment to the rival factions. During the period following the end of the fighting, provision would also need to be made for a number of measures, with the assistance of the United Nations Centre for Human Rights, to ensure that the process of national reconciliation went ahead smoothly. More generally, the efforts made by Rwanda's neighbours and African regional organizations to end the massacres in the country should be supported and the existence of other means of improving the political, juridical and institutional framework to promote and protect human rights at the regional level should be underscored, as the countries of Africa possessed effective and appropriate machinery, such as the Organization of African Unity, the African Commission on Human and Peoples' Rights and the Asian-Afro Legal Consultative Committee.

66. Mr. KAMAL (Pakistan) said that the fact that the Commission on Human Rights was holding its third special session since 1990 attested to the increasing gravity of human rights violations around the world and suggested that the international community should be more sensitive to the warning signs of an impending human calamity or threats to regional and international peace

and security; those signals were not wanting in the case of Rwanda. In the immediate future, the international community had to devise the most effective measures to put an end to the genocide occurring in Rwanda and bring to justice those responsible. An enormous effort was called for to restore order in Rwanda, as well as to satisfy the basic needs of the population for food, shelter and water and to combat disease. In that connection, his delegation would like to express its appreciation and admiration of the Office of the United Nations High Commissioner for Refugees and to ICRC for their work in Rwanda.

67. His delegation believed that the Commission on Human Rights had a role to play in improving the situation in Rwanda. It supported the appointment of a special rapporteur on the human rights situation in Rwanda and thought that the Commission's thematic rapporteurs should also investigate the issue within their respective mandates. The establishment of a United Nations civilian police force could also make a positive contribution now that the UNAMIR forces had been strengthened. Special measures would also have to be instituted for the protection of refugees and the internally displaced, as well as for the protection of minorities for whom a technical assistance programme would need to be instituted in the longer term. Finally, the international community should urgently provide the necessary assistance to meet the elementary needs of the people affected. However, none of those measures would bear fruit unless all parties agreed to cooperate fully with UNAMIR in the implementation of its task pursuant to Security Council resolution 918 (1994). The international community could not tolerate indiscriminate warfare and intolerance of minority groups and should therefore react rapidly and vigorously.

68. Mrs. OGATA (United Nations High Commissioner for Refugees) thanked all the States whose efforts had led to the convening of the special session of the Commission on Human Rights. She also congratulated the High Commissioner on Human Rights on his initiatives and expressed her gratitude to all Rwanda's neighbours which had generously received those compelled to flee. The current crisis in Rwanda was characterized by a massive abuse of basic human rights and a total disregard for international humanitarian standards. It was therefore to be hoped that the Commission would succeed in averting a further tragedy, first by undertaking renewed efforts to promote and ensure respect for those rights and standards, second by monitoring and investigating the violations committed, and third by establishing responsibility for such violations. The refugee movements which had occurred, in a period of less than six months, in regions neighbouring Burundi and Rwanda and the atrocities which had provoked them were unprecedented.

69. The beneficial effects of the emergency assistance programme mounted for the 700,000 Burundi refugees who had fled their country following the attempted coup d'état in October and November 1993 had been short lived, as after the events of 6 April 1994 some 250,000 Burundi refugees who had fled to Rwanda in 1993 had been compelled to move back and many others had been massacred. Moreover, UNHCR had had to mount an operation to provide life-saving material assistance to some 500,000 new refugees compelled to flee Rwanda for neighbouring countries, in particular Tanzania, where even today many wounded refugees were still arriving. The April exodus had been preceded by early warning signals which had enabled UNHCR to prepare for the dispatch

of three emergency teams which had rapidly been deployed in the regions of Tanzania, Zaire and Uganda where the refugees had been arriving since the end of April. UNHCR staff who had been evacuated from Rwanda at the beginning of the crisis had been redeployed to Burundi to assist both new Rwandese refugees and Burundi returnees and five new camps had been established in neighbouring asylum countries to cope with the influx of refugees. However, UNHCR action was hampered by serious logistical difficulties. With the support of France and the United States, UNHCR was mounting airlifts to Mwanza in Tanzania, Goma in Zaire and Bujumbura, and was concentrating on providing shelter, household items and clean water as well as supporting WFP in supplying food. As on other occasions, the presence and involvement of numerous NGOs had been absolutely crucial. Those assistance operations had been partly financed by UNHCR itself and partly by donors. Nevertheless, refugees continued to arrive at Ngara in Tanzania at the rate of 3 to 4,000 per day. In addition, the fate of the 80,000 Burundi refugees still in Rwanda and of the 15,000 Rwandese refugees who had returned to their country earlier as well as the hundreds of thousands of internally displaced persons in Rwanda was of the greatest concern. UNHCR had taken part in various missions to Rwanda organized from Uganda and Burundi with a view to assessing the possibility of providing assistance to those refugees inside the country, although security conditions had not so far made that possible. Nevertheless, humanitarian assistance was essential to avert a further exodus.

70. To be fully effective, the emergency humanitarian measures had to be complemented by energetic and decisive efforts to address the causes of flight and to prevent the spread of the conflict, as it was clear that UNHCR could not cope with further exoduses of refugees. Consequently, the international community should ensure respect for human rights and international humanitarian norms by all parties to the conflict, bring an end to the massacres and ensure the cessation of hostilities so that peace, security and stability could be restored, allowing refugees and displaced persons to return home. It should also adopt the necessary measures to restrict the flow of arms and to prevent the conflict from spreading to neighbouring countries, guarantee free access of humanitarian personnel to refugees and displaced persons as well as to other populations affected by the conflict in Rwanda, wherever they might be, and ensure safe passage for those fleeing from conflict areas, including where necessary to asylum countries. The expansion in size of UNAMIR, decided by the Security Council in resolution 198 (1994) was a significant step forward. UNHCR welcomed the emphasis in that resolution on political initiatives on the basis of the implementation of the Arusha peace process. It was crucial to incorporate those initiatives into a broader regional context in order to contain and resolve the current crisis and prevent its recurrence. The OAU and the countries in the region could play an essential role in that respect. The solution to the current humanitarian crisis remained a political one; she was concerned, however, at the slow pace of the implementation of some of the measures that had already been agreed upon. Good intentions had to be translated into immediate action on the ground, now. To that end, she placed great hopes in the special session of the Commission on Human Rights.

The meeting rose at 1.15 p.m.